

QUARTERLY QUALITY PERFORMANCE EVALUATION - ATTORNEYS (GRADE GS-9 THRU 14)

APPRAISAL OF

NAME

PRESENT POSITION TITLE

GRADE

SECTION

CHIEF MEMBER

INSTRUCTIONS - For each rating factor the Chief Member should appraise the Attorney and then make a summary evaluation for the factor as a whole. For each factor, indicate your appraisal by placing a check mark in the appropriate column, "Rarely, Sometimes, Usually, Almost Always". A point value has been assigned to each of the four performance levels. Based on your check marks place a single numeric (1,2,3 or 4) in the "Point Score" column. Point scores of 4 or 1 must be supported in the "Justification" column. Chairman's Awards, Quality Increases, etc., and TOTAL POINT SCORES of less than 30 or of 38 or more must be addressed in a separate narrative which should be attached to this form. Consideration should always be given to the grade level of the Attorney in completing this form. The example questions listed under the factor column are "memory joggers" and not intended to be all inclusive. Care should be taken to avoid penalizing an Attorney for a deficiency in more than one factor area. If an Attorneys' deficiency requires penalizing in more than one factor area, an explanation should be included in the "Justification" column.

POINT VALUES: 1 - Rarely 2 - Sometimes 3 - Usually 4 - Almost Always

FACTOR	PERFORMANCE LEVEL				POINT SCORE	JUSTIFICATION
	RARELY (1)	SOME-TIMES (2)	USU-ALLY (3)	ALMOST ALWAYS (4)		
<p style="text-align: center;">FACTOR 1 - ISSUES</p> <p>Have the issue or issues certified on appeal been properly developed for appellate review by the Board, including coverage in the Statement of the Case?</p> <p>Have all issues properly for consideration been correctly identified, including all ancillary or inferred issues, those "inextricably intertwined" with the issue(s) certified on appeal, and those issues that may liberally be construed to have been raised by the appellant?</p> <p>If an issue has been withdrawn, has it been noted?</p> <p>Has jurisdiction been properly assumed?</p> <p>Has an issue not properly before the Board been disposed of correctly?</p> <p>Were the issue(s) stated clearly and logically?</p> <p>Other (<i>Identify</i>)</p>						
SUMMARY EVALUATION OF FACTOR 1 ►						
<p style="text-align: center;">FACTOR 2 - FORMAT</p> <p>Has the required information in the "Introduction" section of the decision been reported fully and accurately?</p> <p>Has the "Introduction" section been utilized properly to clarify the issue or explain a procedural matter?</p> <p>Have all required sections of the decision been included?</p> <p>Have the name of the veteran and/or appellant, the file number, and the docket number been shown correctly on the title page?</p> <p>Has the representative been correctly shown?</p> <p>Has any hearing been indicated and have the names of all the witnesses been correctly shown?</p> <p>Other (<i>Identify</i>)</p>						
SUMMARY EVALUATION OF FACTOR 2 ►						

FACTOR	PERFORMANCE LEVEL				POINT SCORE	JUSTIFICATION
	RARELY (1)	SOME-TIMES (2)	USU-ALLY (3)	ALMOST ALWAYS (4)		
<p>FACTOR 3 - CONTENTIONS OF APPELLANT ON APPEAL</p> <p>Were the contentions, including the allegation(s) of error in the originating agency decision being appealed, accurately identified and expressed briefly and precisely.</p> <p>Were the contentions complete with respect to requests for assistance in developing the facts pertinent to the claim, including additional development of the evidence, requests for medical examinations, expert medical opinions, etc.?</p> <p>Were the contentions stated in a manner that assures the appellant and/or representative that their arguments have been heard?</p> <p>Other (<i>Identify</i>)</p>						
SUMMARY EVALUATION OF FACTOR 3 ►						
<p>FACTOR 4 - FINDINGS OF FACT</p> <p>Were findings of fact correct and sufficiently responsive to the issue(s) presented?</p> <p>Were findings of fact derived from the evidence that was included and discussed in the decision?</p> <p>Were findings of fact merely a restatement of the evidence or did they capture the essence of the relevant evidence?</p> <p>Were findings of fact avoided which were speculative, unreasonable, or inconsistent?</p> <p>Were findings of fact made for all issues on appeal?</p> <p>Were findings of fact expressed with simple and clear wording?</p> <p>Were findings of fact adequate to support the conclusions of law?</p> <p>Other (<i>Identify</i>)</p>						
SUMMARY EVALUATION OF FACTOR 4 ►						
<p>FACTOR 5 - CONCLUSION OF LAW</p> <p>Were the conclusions of law based on the legal authorities set forth in the decision and did they follow logically from the findings of fact?</p> <p>Did the conclusions of law exclude items which properly belonged under findings of fact?</p> <p>Was the correct legal authority cited?</p> <p>Were all issues presented for appellate consideration disposed of either by a conclusion of law or other appropriate action?</p> <p>Other (<i>Identify</i>)</p>						
SUMMARY EVALUATION OF FACTOR 5 ►						

FACTOR	PERFORMANCE LEVEL				POINT SCORE	JUSTIFICATION
	RARELY (1)	SOME-TIMES (2)	USU-ALLY (3)	ALMOST ALWAYS (4)		
<p>FACTOR 6 - EVIDENTIARY SUPPORT FOR DECISION</p> <p>Was the record carefully examined to determine whether additional development of the evidence is necessary?</p> <p>Was the decision based only on that evidence which is relevant and pertinent to the issue(s) presented?</p> <p>Was the evidence presented clearly, concisely, accurately, and in the degree of detail warranted?</p> <p>Were all the significant items of evidence, including testimony and lay statements, weighed as to their probative value, including, where applicable, their credibility and persuasiveness?</p> <p>Were the relevant and pertinent items of evidence properly marshalled to explain the bases for the determination reached?</p> <p>Was irrelevant material excluded?</p> <p>Other (<i>Identify</i>)</p>						
SUMMARY EVALUATION OF FACTOR 6 ►						
<p>FACTOR 7 - USE OF LEGAL AUTHORITY</p> <p>Were the cited legal authorities relevant and necessary to dispose of the appellate issue(s)?</p> <p>Were all necessary laws, regulations and precedent court decisions included at the appropriate place in the narrative in the "Reasons and Bases for Findings and Conclusions" section and in the "Conclusions of Law" section?</p> <p>Were the citations correct and in the prescribed form, and were all quotations and textual excerpts accurate?</p> <p>Were the pertinent precedent decisions of the U.S. Court of Veterans Appeals applied?</p> <p>Other (<i>Identify</i>)</p>						
SUMMARY EVALUATION OF FACTOR 7 ►						
<p>FACTOR 8 - REASONS AND BASES FOR FINDINGS AND CONCLUSIONS</p> <p>Were the reasons for seeking appellate review answered adequately?</p> <p>Were all controversial points or facts in issue addressed?</p> <p>Were extrinsic or irrelevant matters excluded from discussion?</p> <p>Where applicable, was appropriate consideration and adequate explanation given to whether a claim is "well grounded," whether the statutory duty to assist the claimant has been met, or whether the evidence received in support of an attempt to reopen a previously denied claim is "new and material?"</p> <p>Were the proper laws, regulations, precedent court decisions, and other legal criteria correctly applied to the facts and cited in correct form at an appropriate place in the narrative?</p> <p>Were appropriate texts, treatises, or other authorities cited as the source(s) for any medical or scientific principles applied in the decision?</p> <p>(Continued on page 4)</p>						

FACTOR	PERFORMANCE LEVEL				POINT SCORE	JUSTIFICATION
	RARELY (1)	SOME-TIMES (2)	USUALLY (3)	ALMOST ALWAYS (4)		
FACTOR 8 - REASONS AND BASES FOR FINDINGS AND CONCLUSIONS (Continued from page 3) Did the matters discussed present a sufficient basis for determining findings of fact? Did the discussion clearly explain how a judgment was formed or discretion was exercised so as to support the ultimate determination reached? Was the reasoning or basis and underlying legal authority for a remand decision adequately explained? Other (<i>Identify</i>)						
SUMMARY EVALUATION OF FACTOR 8 ►						
FACTOR 9 - JUDICIAL OBJECTIVITY Did the substance of the decision show an understanding and sensitivity to the exparte, non-adversarial proceedings before the Board of Veterans' Appeals? Has the Attorney adhered to the rules of due process and fundamental fairness in decisions? Has the Attorney avoided bias in the formulation of the decision? Has the Attorney exercised independent judgment consistent with the extent of his/her experience at the Board of Veterans' Appeals? Other (<i>Identify</i>)						
SUMMARY EVALUATION OF FACTOR 9 ►						
FACTOR 10 - STYLE AND COMPOSITION Has a good clear narrative style been followed? Does the Attorney employ standard English grammar, usage, punctuation and spelling? Has the text (except for citation form) adhered to the standards of the U.S. Government Printing Office Style Manual? Was the decision concise? Other (<i>Identify</i>)						
SUMMARY EVALUATION OF FACTOR 10 ►						
TOTAL POINT SCORE (Sum of Factors 1 thru 10. A minimum Total Point Score of 30 is required to be "Fully Successful." Remember to include a narrative with this form for additional comments such as Chairman's Awards, Quality Increase, etc., and for Total Point Scores of less than 30 or of 38 or more.)						SCORE
SIGNATURE OF SUPERVISOR		DATE		SIGNATURE OF ATTORNEY		DATE
SIGNATURE OF REVIEWER						DATE